

1-1 By: Harris S.B. No. 519  
1-2 (In the Senate - Filed January 23, 2009; February 17, 2009,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 20, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 20, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 519 By: Harris

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the termination of the parent-child relationship and  
1-11 the duty to pay child support in circumstances involving mistaken  
1-12 paternity.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (a), Section 154.006, Family Code, is  
1-15 amended to read as follows:

1-16 (a) Unless otherwise agreed in writing or expressly  
1-17 provided in the order or as provided by Subsection (b), the child  
1-18 support order terminates on:

1-19 (1) the marriage of the child;

1-20 (2) the removal of the child's disabilities for  
1-21 general purposes;

1-22 (3) the death of the child;

1-23 (4) a finding by a court that the child:

1-24 (A) is 18 years of age or older; and

1-25 (B) has failed to comply with the enrollment or  
1-26 attendance requirements described by Section 154.002(a); ~~or~~

1-27 (5) the issuance under Section 161.005(h) of an order  
1-28 terminating the parent-child relationship between the obligor and  
1-29 the child based on the results of genetic testing that exclude the  
1-30 obligor as the child's genetic father; or

1-31 (6) if the child enlists in the armed forces of the  
1-32 United States, the date on which the child begins active service as  
1-33 defined by 10 U.S.C. Section 101.

1-34 SECTION 2. Section 161.005, Family Code, is amended by  
1-35 amending Subsection (a) and adding Subsections (c), (d), (e),  
1-36 (e-1), (f), (g), (h), (i), (j), and (k) to read as follows:

1-37 (a) A parent may file a suit for termination of the  
1-38 petitioner's parent-child relationship. Except as provided by  
1-39 Subsection (h), the [The] court may order termination if  
1-40 termination is in the best interest of the child.

1-41 (c) Subject to Subsection (d), a man may file a suit for  
1-42 termination of the parent-child relationship between the man and a  
1-43 child if, without obtaining genetic testing, the man signed an  
1-44 acknowledgment of paternity of the child in accordance with  
1-45 Subchapter D, Chapter 160, or was adjudicated to be the father of  
1-46 the child in a previous proceeding under this title in which genetic  
1-47 testing did not occur. The petition must be verified, and must  
1-48 allege facts showing that the petitioner:

1-49 (1) is not the child's genetic father; and

1-50 (2) signed the acknowledgment of paternity or failed  
1-51 to contest parentage in the previous proceeding because of the  
1-52 mistaken belief, at the time the acknowledgment was signed or on the  
1-53 date the court order in the previous proceeding was rendered, that  
1-54 he was the child's genetic father based on misrepresentations that  
1-55 led him to that conclusion.

1-56 (d) A man may not file a petition under Subsection (c) if:

1-57 (1) the man is the child's adoptive father;

1-58 (2) the child was conceived by assisted reproduction  
1-59 and the man consented to assisted reproduction by his wife under  
1-60 Subchapter H, Chapter 160; or

1-61 (3) the man is the intended father of the child under a  
1-62 gestational agreement validated by a court under Subchapter I,  
1-63 Chapter 160.

